

**From:** [Mickey Edmondson](#)  
**To:** [Moore, Gary](#)  
**Subject:** Fw: FW: Tanks at CES Environmental  
**Date:** Wednesday, August 19, 2015 12:12:24 PM

---

FYI

**Michael "Mickey" Edmondson**

18604 East F.M. -1097  
Willis, Texas 77378  
936.900.1475 cell  
936.856.7314 home

This Email, including attachments, constitutes nonpublic information intended to be conveyed only to the designated recipient(s). If you are not an intended recipient, please delete this Email. The unauthorized use, dissemination, distribution or reproduction of this Email, including attachments is prohibited and may be unlawful unless authorized in writing by Michael Edmondson.

**Sent:** Wednesday, August 19, 2015 at 11:37 AM  
**From:** "David Askanase"  
**To:** "David M. Bates (dbates@gardere.com)" , "Karen L. Walter (karen.walter@lubrizol.com)" , ""Brenda.Basile@pbwillc.com""  
**Cc:** "Steven Shurn" , "Mickey Edmondson" , "willw@lonestarecology.com"  
**Subject:** FW: Tanks at CES Environmental

This makes a lot of sense to me. The tanks appear to be a continuing issue. I am forwarding Mr. Wilson's email to you for your evaluation as you are on-site now.

David J. Askanase

**HughesWattersAskanase, LLP**

Three Allen Center

333 Clay Street, 29th Floor

Houston, TX 77002

☎ (713) 759-0818

' (800) 284-0818

7 (713)759.6834

✉ [daskanase@hwa.com](mailto:daskanase@hwa.com)

**CONFIDENTIALITY STATEMENT:** *This electronic message transmission contains information from the law firm of Hughes Watters Askanase L.L.P. and is confidential or privileged. The information is intended only for the use of the person(s) named above. If you are not the intended recipient, any disclosure, copying, distribution or use of or any other action based on the contents of this information is strictly prohibited. If you received this electronic transmission in error, please notify us by telephone at (800) 284-0818.*

**Disclosure Pursuant to Treasury Regulations in Circular 230:** *To ensure compliance with requirements imposed by the Internal Revenue Service, we inform you that any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any tax-related matter(s) addressed herein.*

---

**From:** Will Wilson [mailto:willw@lonestarecology.com]

**Sent:** Friday, August 14, 2015 11:57 AM  
**To:** Steven Shurn; David Askanase  
**Subject:** Tanks at CES Environmental

Dear Mr. Shurn and Mr. Askanase,

I wanted to follow up on my discussion a day or two ago with Steve regarding the tanks over at CES. At the risk of re-stating the obvious, I know everyone involved would like to get the tanks removed. They are a continuing eyesore to the neighborhood, an "attractive nuisance" for potential trespassers and potentially a target for folks seeking to get rid of waste materials. Most importantly, until they are removed it will be difficult or impossible to assess the situation in and below the impoundments, a necessary step in preparing the property for sale.

As we discussed, the problem we ran into when developing a proposal regarding the tanks for presentation to Mr. Askanase is that in accordance with TCEQ regulations, tanks such as these that have been used in waste operations can only be removed and taken off site once they have been retired pursuant to a TCEQ approved Closure Plan. As far as we know an approved plan is required under every circumstance-even if the tanks are being processed for scrap metal recovery or even disposal in a landfill.

We have been through that process more than once. An abbreviated description of how it works follows.

The first step is the preparation of a plan by a Registered Professional Engineer. In this circumstance, at a minimum, we would expect that a plan covering these tanks would require "wipe" tests, where water is sprayed on the tank walls and a sample of the fluids that drip down off the tank walls is analyzed for the hazardous constituents that might be expected based on what is known about how the tanks were used.

If the results of the tests are below regulatory levels the tanks would be good to go. While we will not know until the test results come in, based on visual inspection it appeared to us that EPA and their contractors did a very thorough cleaning job on the tanks. However, if the test results are not positive, further cleaning and re-testing would be required. As an alternative, disposal in a hazardous waste landfill might be an option, though that approach would likely be very expensive.

It is difficult to estimate how much this procedure will cost, but probably safe to say it will be as much or more than the value of the tanks.

I know that the estate is short of funds and understand that a PRP group is somewhere in the process of assuming responsibility for completing the work that remains to be done on the site. For the remaining work to proceed efficiently, the tanks need to be removed.

We previously made inquiry of representatives of the PRP group on this matter. We were told that because the estate owns the tanks, we should contact the Trustee, which gave rise to my call. The challenge though is that until the tanks go through an approved closure process or some other form of regulatory relief is arranged there does not appear to be any lawful way to remove the tanks.

Lonestar would be interested in procuring several tanks for our own account and would be pleased to help manage the disposition of all of the 19 +/- that remain on site, including, if it makes sense for the estate, committing to buy all of the tanks. What needs to happen prior to removal is; (i), development, execution and completion of a Closure Plan, (ii), disconnection of the tanks from attached catwalks and piping, and, (iii), availability of a crane to load out the tanks.

All of those activities cost money. Assuming the estate does not have the funds available, I am hoping that a dialogue can be developed with the PRP group on whether they would be willing to cover those costs, given that removal of the tanks is necessary to complete their work. I hope that something can be worked out so that work can proceed and the CES property can finally be cleaned up and repurposed.

We would be pleased to discuss this matter further at your convenience and would like to be helpful in any way that we can.

Will Wilson

President-Lonestar Ecology, LLC

Pasadena: (281) 204-1268

Houston: (832) 485-7105

Cell: (713) 819-8980

[willw@lonestarecology.com](mailto:willw@lonestarecology.com)